

DURIE TANGRI LLP
DARALYN J. DURIE (SBN 169825)
ddurie@durietangri.com
MARK A. LEMLEY (SBN 155830)
mlemley@durietangri.com
217 Leidesdorff Street
San Francisco, CA 94111
(415) 362-6666 (o); (415) 236-6300 (f)

KIRKLAND & ELLIS LLP
MARK A. PALS, P.C. (*pro hac vice*)
mpals@kirkland.com
MARCUS E. SERNEL (*pro hac vice*)
msernel@kirkland.com
300 North La Salle
Chicago, IL 60654
(312) 862-2000 (o); (312) 862-2200 (f)

Attorneys for Defendant GENENTECH, INC.

IRELL & MANELLA, LLP
DAVID I. GINDLER (SBN 117824)
dgindler@irell.com
JOSEPH M. LIPNER (SBN 155735)
jlipner@irell.com
1800 Avenue of the Stars
Los Angeles, CA 90067
(310) 277-1010 (o); (310) 203-7199 (f)

Attorneys for Defendant CITY OF HOPE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CENTOCOR ORTHO BIOTECH, INC.,
Counter-Defendant,
v.
GENENTECH, INC., and CITY OF
HOPE,
Counter-Plaintiffs.

Case No. CV 08-03573 MRP (JEMx)

**APPLICATION TO FILE UNDER SEAL
DOCUMENTS IN SUPPORT OF
DEFENDANTS GENENTECH, INC.
AND CITY OF HOPE'S REPLY
PAPERS IN SUPPORT OF MOTION TO
PRECLUDE OR STRIKE TESTIMONY
OF DR. WALL**

Date: August 17, 2010
Time: 11:00 a.m.
Judge: Hon. Mariana R. Pfaelzer
Ctrm: 12

ORIGINAL
Lodged Properly
10 AUG -3 PM 4:17
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: MLP

FILED

APPL. TO FILE UNDER SEAL DOCS. ISO DEFS.' REPLY PAPERS ISO MOT.
TO PRECLUDE OR STRIKE TEST. OR DR. WALL / Case No. CV 08-03573 MRP (JEMx)

1 PLEASE TAKE NOTICE that pursuant to Local Rule 79-5.1, Defendants
2 and Counter-Plaintiffs Genentech, Inc. and City of Hope seek leave to file the
3 following documents under seal:

4 1. Reply Memorandum of Points and Authorities in Support of
5 Defendants Genentech, Inc. and City of Hope's Motion to Preclude or Strike
6 Testimony of Dr. Wall;

7 2. Declaration of Daralyn J. Durie in Support of Defendant Genentech,
8 Inc. and City of Hope's Reply Memorandum in Support of Motion to Preclude or
9 Strike Testimony of Dr. Wall, with the exhibits set forth below:

10 3. Exhibit A to Durie Declaration: Transcript of the deposition of
11 George H. Kidd, Ph.D., dated June 17, 2010, designated confidential pursuant to
12 the protective order herein; and

13 4. Exhibit B to Durie Declaration: Expert Report of Carlo M. Croce,
14 M.D., dated June 4, 2010, designated confidential pursuant to the protective order
15 herein.

16 The documents sought to be filed under seal contain information designated
17 confidential pursuant to the protective order entered in this case. Therefore,
18 Genentech and City of Hope seek a Court order to seal these documents.

19 For the foregoing reason, Genentech and City of Hope respectfully request
20 that the Court grant this application and order that the (1) Reply Memorandum of
21 Points and Authorities in Support of Defendants Genentech, Inc. and City of
22 Hope's Motion to Preclude or Strike Testimony of Dr. Wall and (2) Declaration of
23 Daralyn J. Durie in Support of Defendants Genentech, Inc. and City of Hope's
24 Reply Memorandum in Support of Motion to Preclude or Strike Testimony of Dr.

25 ///

26 ///

27 ///

1 Wall and Exhibits A and B thereto be filed under seal.

2 Genentech and City of Hope are filing, concurrent with this Application, a
3 proposed order sealing the above-referenced documents.
4

5 Dated: August 3, 2010

By: /s/ Daralyn J. Durie
DARALYN J. DURIE (SBN 169825)
ddurie@durietangri.com
MARK A. LEMLEY (SBN 155830)
mlemley@durietangri.com
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: 415-362-6666
Facsimile: 415-236-6300

MARK A. PALS, P.C. (*pro hac vice*)
mpals@kirkland.com
MARCUS E. SERNEL (*pro hac vice*)
msernel@kirkland.com
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, IL 60654
Telephone: 312-862-2000
Facsimile: 312-862-2200

Attorneys for Defendant and Counter-Plaintiff
GENENTECH, INC.

DAVID I. GINDLER (SBN 117824)
dgindler@irell.com
JOSEPH M. LIPNER (SBN 155735)
jlipner@irell.com
IRELL & MANELLA, LLP
1800 Avenue of the Stars
Los Angeles, CA 90067
Telephone: 310-277-1010
Facsimile: 310-203-7199

Attorneys for Defendant and Counter-Plaintiff
CITY OF HOPE